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6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**  
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9 Sam Alich,

10 Plaintiff,

11 v.

12 Opendoor Technologies Incorporated, et al.,

13 Defendants.  
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No. CV-22-01717-PHX-MTL

**ORDER**

15 Pending before the Court is Opendoor Defendants' Motion for Leave to File a  
16 Sur-Reply to Plaintiffs' Reply in Further Support of Motion for Reconsideration and  
17 Memorandum of Law in Support (Doc. 94).

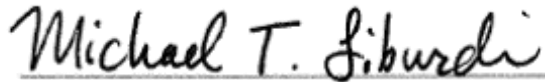
18 "Neither Fed. R. Civ. P. 7 nor the local rules of practice for this District provide for  
19 the filing of a sur-reply, and sur-replies are not authorized by any other rules of procedure  
20 absent express prior leave of the Court." *Briggs v. Montgomery*, No.  
21 CV-18-02684-PHX-EJM, 2019 WL 13039282, at \*2 (D. Ariz. Mar. 19, 2019). Instead,  
22 they are permissible "when a party raises new issues or new evidence in a reply brief." *Id.*  
23 (quoting *ML Liquidating Trust v. Mayer Hoffman McCann P.C.*, No.  
24 2:10-CV-02019-RRB, 2011 WL 10451619, at \*1 (D. Ariz. Mar. 11, 2011)). But they are  
25 "generally discouraged" and are permitted only "in the most extraordinary circumstances."  
26 *ML Liquidating Trust*, 2011 WL 10451619, at \*1.

27 Defendants have not demonstrated the requisite "extraordinary circumstances"  
28 necessary to justify a sur-reply.

1 Accordingly,

2 **IT IS ORDERED** that Opendoor Defendants' Motion for Leave to File a Sur-Reply  
3 to Plaintiffs' Reply in Further Support of Motion for Reconsideration and Memorandum  
4 of Law in Support (Doc. 94) is **denied**.

5 Dated this 15th day of April, 2024.

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8 Michael T. Liburdi  
9 United States District Judge  
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